

Application No. 10/019,624
Amendment and Response dated May 3, 2006
Reply to Office Action mailed January 3, 2006

REMARKS

The Applicant and Applicant's attorney wish to thank the Examiner for the time spent reviewing the application and preparing the fifth Office Action. In the fifth Office Action, claims 1-15, 23 and 24 were rejected and claims 5-7 and 9-10 were objected to as being dependent upon a rejected base claim. By this paper, claims 1-5, 7-11, 23 and 24 have been amended. Applicant submits that claim amendments do not add new matter and entry thereof is respectfully requested. As a result, claims 1-15, 23 and 24 are pending and should be in condition for allowance. Reconsideration of the above-identified claims is now respectfully requested.

Rejections Under 35 U.S.C. § 112

In the fifth Office Action, claims 1-15 and 23-24 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention.

In the Office Action, claims 1-15 and 23-24 were rejected on the basis that necessary structural cooperative relationship between the elements as recited in claims 1, 2, 3, 3 [sic], 5, 7, 11, 23 and 24 have been omitted. Accordingly, claim amendments to the foregoing claims have been made in order to identify structural relationships between the elements in order to satisfy § 112.

Furthermore, in the Office Action claims 3 and 24 were noted as reciting "connection means" and claim 11 was noted as reciting "hose securing means" without specifying a corresponding function to be performed, and that no basis is provided for determining what would be an equivalent structure. By this paper, claims 3 and 24 have been amended to include

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language to specify the function to be performed by the "connection means." Likewise, claim 11 has been amended to include a corresponding function to be performed in relation to "hose securing means."

In the Office Action, it was alleged that the "wherein" clause was used inappropriately in claims 1, 3, 23 and 24. Applicant respectfully submits that the amendments made to claims 1, 3, 23 and 24 address and should resolve the Examiner's concerns in relation to the "wherein" clause.

In the Office Action, it was further alleged that there is insufficient antecedent basis for the limitation of "the plane" in line 5 of claim 1. The limitation of "the plane" was removed from claim 1, thus resolving the antecedent basis issue.

Accordingly, it is respectfully submitted that the rejection under § 112 be removed from claims 1-15 and 23-24. Reconsideration and removal of the rejection are hereby respectfully requested.

Allowable Subject Matter

In the Office Action, the Examiner stated that claims 5-7 and 9-10 are rejected as being dependent upon a rejected base claim under § 112, second paragraph. It was further stated that these claims would be favorably considered if Applicant specifically amended to overcome the rejections under 35 U.S.C. § 112, second paragraph, set forth in the Office Action and to include all the limitations of the base claim and any intervening claims.

By this paper, allowable claim 7 has been rewritten in independent form as currently amended claim 3, or in other words, currently amended claim 3 represents claim 7 written in independent form. Likewise, allowable claim 5 has been written in independent form as

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currently amended claim 24, or in other words, currently amended claim 24 represents claim 5 written in independent form.

The Applicant wishes to note that in the prior listing of claims, claim 5 inappropriately depended from claim 4. Accordingly, the limitations recited with respect to claim 4 as recited in the prior listing of claims have not been incorporated into the currently amended claim 24. Nevertheless, Applicant submits that Clegg fails to disclose a securing means that comprises a female member suitable for receiving a second pin therein and a portable independent frame configured to be linked to the female member. Accordingly, claims 3 and 24 should be in condition for allowance. Reconsideration and allowance of claims 3 and 24 are hereby requested.

Rejections Under 35 U.S.C. § 102

In the fifth Office Action, claims 1-4, 8, 23 and 24 were rejected under 35 U.S.C. § 102 as being anticipated by U.S. Patent No. 3,603,539 to Clegg, Jr. (the "539 patent"). Applicant respectfully submits that Clegg does not anticipate the limitations recited with respect to the pending claims, particularly as amended.

Clegg fails to disclose the limitations recited with respect to claims 1 and 23. Specifically, Clegg fails to disclose a universal hose clamp comprising a hose mount linked to a universal hose locating mechanism through a mounting pin to provide free rotational movement of the hose mount about the longitudinal axis of the mounting pin to control the pitch of the hose mount, as recited in claim 1. Furthermore, Clegg fails to disclose a universal hose clamp comprising a first locking mechanism comprising a handle assembly linked to a mounting pin, the handle assembly configured to rotate relative to the mounting pin, as recited in claim 1. As is

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clear from Figure 4 of Clegg, handle member 52 and the pin that extends therefrom are a single piece, thus preventing rotation of the handle 52 relative to the pin portion that extends from handle portion 52. See Clegg, Fig. 4.

Regarding claim 23, Clegg fails to disclose a universal hose clamp comprising a hose mount linked to a universal hose locating mechanism through a mounting pin to provide free rotational movement of the hose mount about the longitudinal axis of the mounting pin, as recited in claim 23. Furthermore, Clegg fails to disclose a first locking mechanism comprising a handle assembly configured to rotate relative to the mounting pin, as recited in claim 23. As discussed above, handle 52 of Clegg as shown in Figure 4 has a pin extending therefrom, which pin and handle are a single piece. Accordingly, Clegg does not disclose a handle assembly that rotates relative to a mounting pin as recited in claim 23. Likewise, Clegg fails to disclose a second locking mechanism comprising a second handle assembly and a swivel pin linked thereto, wherein the swivel pin has a longitudinal axis that is substantially perpendicular to the longitudinal axis of the mounting pin, as recited in claim 23.

Applicant hereby requests removal of the rejection under § 102 to claims 1-4, 8, 23 and 24. Claims 2, 4 and 8 depend from allowable base claim 1, and thus incorporate all the limitations recited therein. As such, reconsideration and allowance of the above-identified claims is hereby requested.

Rejections Under 35 U.S.C. § 103

In the fifth Office Action, claims 11-15 were rejected under 35 U.S.C. § 103 as being obvious in light of Clegg in view of U.S. Patent No. 3,129,970 to John.

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Applicant respectfully submits that the limitations recited with respect to claims 11-15 are not obvious in light of Clegg and John. Specifically, claims 11-15 depend from an allowable base claim and thus incorporate all the limitations recited respectively therein. Accordingly, removal of the rejection under § 103 is hereby requested. Reconsideration and allowance of claims 11-15 are hereby requested.

Conclusion

By this paper pending claims 1-5, 7-11, 23 and 24 have been amended for the sake of clarity or to more clearly point out the novel aspects of Applicant's invention. As a result, claims 1-15, 23 and 24 are pending and should be in condition for allowance. Reconsideration and allowance of the above-identified claims is now respectfully requested.

In the event that the Examiner finds remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, the Examiner is requested to contact the undersigned attorney.

Dated this 3rd day of May 2006.

Respectfully submitted,



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